STATUTORY INSTRUMENTS

1977 No. 52 (N.I. 1)

Noxious Weeds (Northern Ireland) Order 1977

- - - - - - *[17th January 1977]*

Title and commencement

1.—(1) This Order may be cited as the Noxious Weeds (Northern Ireland) Order 1977.

(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"authorised officer" means an officer of the Department authorised in writing by the Department to exercise functions under this Order;

"the Department" means the Department of Agriculture;

"noxious weed" shall be construed in accordance with Article 3;

"occupier" includes—

(a) in the case of any land the occupier of which (being an individual) is absent from Northern Ireland, any agent or other person entrusted with the management of the land on his behalf;

(b) in the case of unoccupied land, the person entitled to the occupation of the land.

Noxious weeds

3.—(1) For the purposes of this Order any plant of a kind specified in Schedule 1 is a noxious weed.

(2) The Department may by order made subject to affirmative resolution amend Schedule 1—

(a) by adding to it any kind of plant which the Department considers to be capable of causing injury to agriculture in Northern Ireland, or

(b) by removing any kind of plant from it.

Restriction on importation etc. of noxious weeds

4.—(1) The Department may by regulations made subject to negative resolution prohibit or restrict the importation or removal into Northern Ireland, or the selling or the offering or exposing for sale or the purchasing, of plants or parts of plants which are noxious weeds.

(2) If a person contravenes any provision of regulations made under paragraph (1), he shall be guilty of an offence.

Destruction of noxious weeds

5.—(1) Where an authorised officer is satisfied that there are noxious weeds of any kind growing upon any land, he may serve on the occupier of the land, or on any person who by virtue of an agreement has a right to the exclusive use of the land for cropping or grazing, a notice in writing requiring him—

(a) to cut down and dispose of, or otherwise destroy, those weeds in the manner specified in the notice; or

(b) where it appears to the officer to be expedient to do or refrain from doing any other thing for the purpose of preventing the spread of weeds of that kind on or from that land, to do or refrain from doing that thing.

(2) A notice under paragraph (1) may specify the period—

(a) within which anything required by the notice to be done must be done; or

(b) for which anything required by the notice to be refrained from being done must not be done.

(3) If any occupier or person such as is mentioned in paragraph (1) on whom a notice is served under that paragraph either fails to do anything which he is required by the notice to do or does anything which he is required by the notice to refrain from doing (or, where he is required by the notice to do, or refrain from doing, that thing within or for a specified period, does not do it within that period or, as the case may be, does not refrain from doing it for that period), he shall be guilty of an offence.

(4) Without prejudice to paragraph (3), where a notice under paragraph (1) requires anything to be done within a specified period and it is not done within that period, the Department may cause that thing to be done, doing no unnecessary damage, and may recover the cost summarily or in the county court as a debt due by the occupier or other person on whom the notice was served.

Powers of entry

6.—(1) An authorised officer may at any reasonable time enter any land for the purpose of ascertaining whether any plant or part of a plant which is a noxious weed is there.

(2) An authorised officer or any other person authorised in writing in that behalf by the Department may at any reasonable time enter any land for the purpose of doing under paragraph (4) of Article 5 anything required to be done by a notice under paragraph (1) of that Article.

(3) If any person refuses to allow an authorised officer, or any other person such as is mentioned in paragraph (2), to enter any land which he is entitled to enter under this Article, or obstructs or knowingly impedes him in the exercise of his functions, he shall be guilty of an offence.

(4) An officer or other person seeking to enter any land in exercise of a power conferred by this Article shall, if required to do so, produce his credentials.

(5) An officer or other person entering any land in exercise of a power conferred by this Article may bring with him such equipment as he considers necessary.

Penalties and prosecutions

7.—(1) A person who is guilty of an offence under Article 4(2) or 5(3) shall be liable on summary conviction[F1]... to a fine not exceeding[F1] level 4 on the standard scale[F1],[F1]... and if the contravention of the provision of regulations under Article 4, or, as the case may be, the failure to do or refrain from doing anything in accordance with the notice under Article 5, in respect of which he is convicted